

Appl. No. 09/835,806
Amdt. dated 01/07/2005
Reply to Office action of 10/07/2004

REMARKS

This Amendment is in response to the Office Action mailed 10/07/2004. In the Office Action, the Examiner rejected claims 1-12 under 35 U.S.C. § 102, and rejected claims 13-20 under 35 U.S.C. § 103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102

3. The Examiner rejects claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by Chuah et al. (US 6,735,190).

4. With regard to claims 1-2, Chuah discloses a method for switching packets in a network by adding a label to the packet that provides a plurality of IP addresses that allow efficient routing of the information packet by routers that are able to read the routing information in the label. Fig. 7; col.8, lines 8-34. The Examiner interprets the plurality of IP addresses to read on the claimed plurality of addresses. Applicant has amended claims 1 and 2 to make clear that the plurality of addresses is a plurality of addresses for a like plurality of users. That is, the plurality of addresses specifies a plurality of destinations and not a plurality of nodes through which a packet is to be routed to reach a single destination. Applicant respectfully submits that claims 1 and 2 as amended are now clearly distinguished from the disclosure of Chuah by including addresses for a plurality of destination endpoints in the bundled packet.

5. With regard to claims 3-7, the Examiner asserts that Chuah's disclosure of a network that includes both Label Switching Routers (LSR) and conventional routers, where IP headers are not removed so that a labeled IP packet that is routed to a conventional router by an LSR can be routed using the IP header rather than the label anticipate the claimed invention. Applicant respectfully disagrees. Chuah discloses a method in which the packet carries both an IP header and a label so that a conventional router can route the packet without using the unsupported label information. This is entirely unlike the claimed invention wherein the transmitting device has to examine the capabilities of the destination device and provide either a bundled packet that includes a plurality of destination addresses or a plurality of unbundled packets where each packet includes a single destination address. Nothing in Chuah discloses splitting a packet in a more than one packet, nor examining the capabilities of a downstream network device to determine what type of packet should be transmitted.

6. With regard to claim 8, the Examiner asserts that Fig. 10 and the related discussion in col. 14, lines 21-40, disclose an information packet having a first and a second address. Applicant respectfully disagrees. Applicant understands the cited portion of Chuah to disclose a source node ITS-4 that can convey packets to an intermediate node LSR-4 having final destinations of ITS-1 or ITS-2. Chuah may employ sourced merging so that two or more independent packet flows are merged for that portion of the label switching path that is common to both packet flows. This is distinctly different from the claimed invention that is directed to delivery of the same information packet to different final destinations. Nothing in Chuah discloses a single information packet that includes a second final destination.

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7. With regard to claims 9-12, as discussed above for claims 3-7 Applicant respectfully submits that Chuah does not disclose splitting a packet in a more than one packet, nor examining the capabilities of a downstream network device to determine what type of packet should be transmitted.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by Chuah.

Rejection Under 35 U.S.C. § 103

The following is a quotation of MPEP § 2143 which sets forth the basic requirements of a prima facie case of obviousness:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

9. The Examiner rejects claims 13-20 under 35 U.S.C. § 103(a) as being unpatentable over Chuah et al. as applied to claims 1-12 above.

10. With regard to claims 13-20, the Examiner admits that claims 13-20 contain additional elements not disclosed by Chuah. The Examiner broadly asserts that these additional elements are well-known in the art. For example the Examiner states that routers as disclosed by Chuah contain a routing table and an analysis circuit. Applicant respectfully points out that the claims include significant specific elements as to capabilities of the routing table and the analysis circuit that are part of the claimed invention. Even if a routing table and an analysis circuit are known elements of a router, Applicant respectfully submits that is insufficient to show that a routing table and an analysis circuit as claimed are known in the art. Similarly the Examiner asserts that label switched routers comprises bundling and unbundling packet construction circuits. Again, the claimed bundling and unbundling packet construction circuits include significant specific elements as to capabilities of the circuits and the mere knowledge of such circuits in the art is insufficient to show that bundling and unbundling packet construction circuits as claimed are known in the art.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 13-20 under 35 U.S.C. § 103(a) as being unpatentable over Chuah.

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Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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